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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,726

04/19/2004

Dingge Xiong

1371

7590

12/12/2006

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EXAMINER

BALDWIN, GORDON

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,726

Applicant(s)

XIONG, DINGGE

Examiner

Gordon R. Baldwin

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 6 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/17/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim 6 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/10/2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure, which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "combinable-free" is considered to be indefinite because the specification does not explicitly set out whether the item is freely capable of being

Art Unit: 1775

combined with other decorations or is it free from being combined with other decorations?

In claim 4, line 4, the term “specially” is considered to be indefinite since there is no indication as to what “specially” means. It does not offer any structural limitation and is therefor considered to be indefinite.

In claim 5, line 6, the term “nice-looking” is considered to be indefinite since there is no indication as to what “specially” means. It does not offer any structural limitation and is therefor considered to be indefinite.

Claim 2 recites the limitation “main body” in line 2. There is insufficient antecedent basis for this limitation in the claim. There is no mention of “main body” in the preceding independent claim and it is unclear if the main body is the flat body or if there is another body structure being described.

Claims 4 and 5 recites the limitation “cutting vertexes”. There is insufficient antecedent basis for this limitation in the claim. There is no mention of “cutting vertexes” in the preceding independent claim.

Claim 4 recites the limitation “two edge lines”. There is insufficient antecedent basis for this limitation in the claim. There is no mention of “two edge lines” in the preceding independent claim.

Claim 5 recites the limitation “opposite edge”. There is insufficient antecedent basis for this limitation in the claim. There is no mention of “opposite edge” in the preceding independent claim.

Art Unit: 1775

Claims 2-5 recites the limitation "said body" in claims 2-5. There is insufficient antecedent basis for this limitation in the claim. It is unclear if said body is meant to include flat body or another body.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Julliard (US Pat. No. 6,667,109).

Consider claim 1, Julliard teaches an ornament (100) (or ceiling medallion) with a flat body (Fig. 5) with a predetermined shape and having at least one arced edge. (Fig. 1, the edges shown at # 10 and #20)

Consider claim 2, Julliard teaches that the flat body of the ornament (100) is symmetrical in shape. (Fig. 1)

Consider claim 3, Julliard teaches in figure 1 and 2 (Col. 3 lines 3-15 and 40-50) that the ornament has a front decorated sides while the backside (which is considered to be on the same plane) of the ornament is planar, which is

Art Unit: 1775

considered to have the ability to applied to a variety of surfaces including walls.

(Col. 4 lines 35-42)

Consider claims 4 and 5, Julliard is considered to teach the use of cutting vertexes and cutting points at number 30 and 32 and 40 and 42 in figure 2, where the two portions of the ornament will come together, in addition to being at the edge of the body of the individual pieces of the ornament (100).

As for the portion of claim 5, which pertains to how the body can be cut and rearranged, it is considered to be an intended use and is not recognized as having enough structural detail to give it patentable weight, since it deals with design choices of the user.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Naidj (US Pat. No. 6,627,284).

Consider claims 1-3, Naidj teaches a wall ornament (10) with a flat body with a predetermined shape and several arced edges that are in a symmetrical pattern. (Fig. 5) Additionally, the front is taught to have a decorated surface while the back is considered to be planar (since it is shown to adhere to a wall). (Col. 6, lines 30-43)(Fig. 2-6)

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobozzi (US Pat. No. 4,531,638).

Consider claims 1-3, Jacobozzi teaches an ornament (10) having a flat body in a predetermined shape and having at least one arced edge. (Fig. 1 or 4)

Art Unit: 1775

In figure 1, the shape is considered to be flat and symmetrical. Also, the front side of the ornament is considered to be decorated with the backside remaining flat, or planar. This item is also considered to be mountable against a wall.

Consider claims 4-5, Jacobozzi teaches cutting vertexes at the edge lines of the body (figure 4 and 5, approximately at number (36)), which adjoin cutting points on the opposite portion of the symmetrical butterfly decoration.

As for the portion of claim 5, which pertains to how the body can be cut and rearranged, it is considered to be an intended use and is not recognized as having enough structural detail to give it patentable weight, since it deals with design choices of the user.

Conclusion

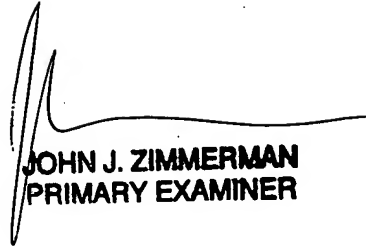
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon R. Baldwin whose telephone number is (571)272-5166. The examiner can normally be reached on M-F 7:45-5:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 1775

GRB



JOHN J. ZIMMERMAN
PRIMARY EXAMINER